

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

WAYNE HUMMER TRUST #SBL-2995, as
Assignee of PNC Bank, National Association,
Successor to National City Bank, Successor to
Mid America Bank, FSB,

Plaintiff,

No. 11 CV 4553

v.

MARTIN CONTRERAS; TOWN OF
CICERO, a municipal corporation; and CITY
OF CHICAGO, a municipal corporation;

Defendants.

Judge John W. Darrah

MOTION FOR CONSENT FORECLOSURE

NOW COMES the Plaintiff, Wayne Hummer Trust #SBL-2995, as Assignee of PNC Bank, National Association, Successor to National City Bank, Successor to Mid America Bank, FSB (“Plaintiff”), by and through its attorney, Julie C. Keller of Larson & Associates, P.C., and pursuant to Section 15-1402 of the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1402 (2012), moves this Court for the entry of a consent judgment of foreclosure in its favor and against all of the Defendants herein. In support of said Motion, Plaintiff states as follows:

1. The Complaint to Foreclose Mortgage filed in this matter seeks to foreclose a mortgage lien interest (“Mortgage”) executed and delivered by Defendant Martin Contreras (“Contreras”) to Mid America Bank, FSB on May 10, 2006 and recorded by the Cook County Recorder of Deeds on May 17, 2006 as Document No. 0613740026. The property (the “Premises”) which is the subject of the Mortgage is legally described as follows:

Lots 29, 30, and 31 in Block 1 in James U. Borden’s Addition to Warren Park in the Northeast 1/4 of Section 20, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 1244-48 S. Central Avenue
Cicero, Illinois 60804

Property Identification Number: 16-20-207-040-0000
16-20-207-041-0000
16-20-207-042-0000

A true and correct copy of the Mortgage is attached hereto as Exhibit "1". A true and correct copy of the promissory note ("Note") referenced in the Mortgage is attached hereto as Exhibit "2".

2. Subsequent to the commencement of this action, PNC Bank, National Association, Successor to National City Bank, Successor to Mid America Bank, FSB, assigned all of its right, title, and interest under the Mortgage and Note to Wayne Hummer Trust #SBL-2995 (the "Trust"). A copy of the Assignment is attached hereto as Exhibit "3". Thereafter, on April 11, 2012, this Court entered an order substituting the Trust as the party-plaintiff.

3. The Trust and Contreras have entered into a Stipulation for Consent Foreclosure (the "Stipulation") that sets forth the Trust's offer to waive any and all right to a personal judgment against Contreras or any other person or entity liable for the indebtedness or other obligation secured by the Mortgage in the event a consent foreclosure judgment is entered in this proceeding. A true and correct copy of the Stipulation is attached hereto as Exhibit "4". By this reference, the Trust renews this offer to Contreras.

4. The interests of Defendants Town of Cicero and City of Chicago are junior to the lien interest created by the Mortgage. As such, none of the Defendants possess good cause for objecting to the entry of a consent judgment of foreclosure.

5. The Stipulation of Consent Foreclosure expressly provides that judgment shall vest absolute title of the Premises in the Trust or its designated assignee. *See* Stipulation at ¶ 3.

6. By this Motion, Plaintiff seeks the entry of a consent judgment of foreclosure as provided by Section 15-1402 of the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1402 (2012) and the execution of a judicial deed, vesting title to the Premises in Plaintiff's assignee, Taiba Nasreen. The proposed Consent Judgment of Foreclosure is attached hereto as Exhibit "5", and the proposed Judicial Deed is attached hereto as Exhibit "6".

WHEREFORE, the Plaintiff, Wayne Hummer Trust #SBL-2995, as Assignee of PNC Bank, National Association, Successor to National City Bank, Successor to Mid America Bank, FSB, prays for the entry of consent judgment of foreclosure and for such further and additional relief as this Court deems just and appropriate.

WAYNE HUMMER TRUST #SBL-2995, AS
ASSIGNEE OF PNC BANK, NATIONAL
ASSOCIATION, SUCCESSOR TO NATIONAL CITY
BANK, SUCCESSOR TO MID AMERICA BANK,
FSB

BY: /S/JULIE C. KELLER
One of Its Attorneys

Julie C. Keller
Larson & Associates, P.C.
230 W. Monroe, Suite 2220
Chicago, Illinois 60606
(312) 422-1900
jkeller@lnlaw.com